

TOWNSHIP OF OCEAN
PLANNING BOARD
REGULAR MEETING
March 4, 2010

Meeting began at 7:30 PM

The meeting of the Ocean Township Planning Board was held on the above date and time. The meeting was called to order.

Pledge of Allegiance

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, sending copies of the notice of the meeting properly provided adequate notice of the meeting to the Times-Beacon and the Atlantic City Press. Notice was posted on the bulletin board in the Administration Building.

ROLL CALL

Members Present: Vince Anepete Joe Lachawiec Gordon VonSchmidt
 Ralph Avellino William Sneddon Craig James
 Robert Knowles Dennis Tredy

Members Absent: James Eckert, Rita Sweeney, Ken Bynoe

Mr. Richard Haines, Haines & Yost was present at the meeting, filling in for Mr. Steve Yost.

Chairman Anepete asked for a motion to take action on the minutes of the January 7, 2010, Regular Minutes. Mr. Avellino made the motion to approve the minutes. Mr. Knowles seconded the motion. All in favor: (aye) Avellino, Knowles, Lachawiec, Sneddon, Tredy, James, Anepete. Abstain: VonSchmidt.

Chairman Anepete asked for a motion to take action on the minutes of the February 4, 2010, Regular Minutes. Mr. Knowles made the motion to approve the minutes. Mr. Sneddon seconded the motion. All in favor: (aye) Knowles, Sneddon, Avellino, Lachawiec, Anepete.

Chairman Anepete asked for a motion to take action on the voucher list. Mr. Avellino made a motion to approve the vouchers. Mr. Tredy seconded the motion. All in favor: (aye) Avellino, Tredy, Knowles, Lachawiec, Sneddon, VonSchmidt, James, Anepete.

Correspondence list was attached in the board's packet and the Chairman offered that if anyone would like to review the correspondence it is always available in the board office. Mayor Lachawiec spoke about the Resolution adopted by the Pinelands for the proposed forest fire fuel break on Pancoast Road. Mayor Lachawiec expressed concern to the Pinelands Commission about the removal of the trees in making the fire break wider. The mayor has asked the Commission to calculate how much acreage will be needed. Mayor Lachawiec has told the Pinelands Commission that any acreage taken at this juncture will be up for mitigation in the future.

BOARD COMMENTS

Discussion topic by the Board's Engineer, Wayne McVicar, regarded Minor and Major Subdivisions.

Mr. Yost, Board Attorney was not in attendance tonight to give a presentation.

OLD BUSINESS

Resolution 10-10-PB, Lennar Greenbriar-Oceanaire, Section 8, Final Major Subdivision, Docket No. 02-10-PB. Chairman Anepete asked for a motion to take action on the Resolution. Mr. Avellino made a motion to approve the Resolution. Mr. Sneddon seconded the motion. All in favor: (aye) Avellino, Sneddon, Knowles, Lachawiec, Anepete.

NEW BUSINESS

Ocean County Land Preservation Trust, Block 33.01, Lot 4.02, Docket No. 03-10-PB, Minor Subdivision, Courtesy Review.

Mr. McVicar stepped down as his firm, Remington, Vernick and Vena, prepared the subdivision map. Mr. Hess, Birdsall Services Group, took a seat at the dais as the board's Conflict Engineer. Mr. Mathis, Assistant County Council for Ocean County approached. Mr. McKewan, Director of Planning approached and was sworn in by Mr. Haines. The property is Barry Horner's property. The Ocean County Land Preservation Trust closed on the property of about 900 acres. As part of the agreement with Mr. Horner, he is to retain approximately 50 acres for his rear yard. The bulk of the land has been closed. The subdivision needs to take place so Ocean County Land Preservation Trust can acquire the back section of approximately 55 acres and Mr. Horner can retain the front 50 acres. Wells Mills Park will be doubled in size. This is the final step in this acquisition.

A-1 was entered into evidence as a colored rendering map of the area.

A-2 is the Outbound Survey.

A-3 is the Minor Subdivision Map.

It is the feeling that Mr. Horner wants to retain a buffer in the rear yard of his property to keep some distance from the Wells Mills Park trails that will run through the remaining property. The acquired land will only be used as passive recreation.

Charles Adamson was sworn in by Mr. Haines. Mr. Adamson, Land Surveyor, gave credentials which were accepted by the Chairman.

The lots will not be joined.

Deputy Mayor Tredy questioned the previous DEP issues on this property. Mr. Mathis answered that all the issues were cleared up years ago. There are no outstanding actions by DEP. Mr. McKewan verified this as well.

There will be no deed restrictions on the property. It is a conforming lot fronting on an improved road. Mayor Lachawiec asked about banking land for mitigation through Pinelands Commission and DEP in

the future. Mr. McKewan answered that they cannot do that. That can only be done before an agreement is reached. This agreement has been in the works for several years. There will be no physical separation (fence, wall, etc..) between the county property and Mr. Horner's property –only signage.

Mr. Sneddon asked about the park security and off road vehicles. Any calls would be to the parks security alleviating extra burden on the township police department.

Mr. Hess reviewed several questions in Birdsall's Engineering letter.

The Mayor and Mr. Mathis, Mr. McKewan had a brief discussion concerning open space and mitigation.

Deputy Mayor Tredy made a motion to open to the public. Mr. Sneddon seconded the motion. All in favor: (aye).

PUBLIC COMMENT OPEN

Seeing None.

Mr. Sneddon made a motion to close to the public. Mayor Lachawiec seconded the motion. All in favor: (aye).

PUBLIC COMMENT CLOSED

Mr. Sneddon made a motion to approve the application. Mr. Knowles seconded the motion.

Mayor Lachawiec asked about the selling price of the parcel. Mr. McKewan stated it was \$8.1 million dollars with a contribution from both Green Acres and the Pinelands.

Roll Call on the motion: (aye) Sneddon, Knowles, Avellino, Lachawiec, Tredy, VonSchmidt, James, Anepete.

Lennar Homes, Greenbriar-Oceanaire, Amended Final Major Subdivision, Section 7, Block 57.10, Lot 1.02, Block 57.09, Lot 3 and Block 376-398 inclusive, Docket No. 01-10-PB, carried from February 4, 2010 meeting.

Michael Bruno spoke for the applicant. Section 7 was originally approved by the board in June 2007. Section 7 contains 152 senior residential units. The first part of the application is in order to gain access to Section 8 (approved tonight by Resolution), Section 7 has to be amended to open up two cul-de-sacs: Ship Bottom Lane and Bayville Way to allow access. The second part of the application is to extend the rear lot lines five feet on 66 of the lots – similar to Section 6 so that all of Lennar's product can fit on these lots to alleviate the need for any variances. Brian Murphy, FWH and Anthony Mignone were present. Mr. Murphy was sworn in by Mr. Haines. Mr. Murphy presented his credentials and they were accepted by the Chairman. Mr. Murphy identified the site and explained the application.

Mr. Murphy marked into evidence: A-1 - Aerial Map
A-2 - Previous Section 7 Layout – Phase A

A-3 – Present Configuration of Section 7

A-4 – Blow up of Section 7

All evidence was prepared by FWH. No clearing or grading needs to be changed. It is open land where the lots lines would be extended.

Mr. Murphy stated they are in agreement with the Engineering review letter prepared by Mr. McVicar with the exception of three items. They all deal with the same issue. Page 14 Section 2A, Page 16 Section G and Page 17 Section 5D. These sections require that sewer facilities for Section 8 be constructed before Section 7 can be constructed and that all outside agency approvals be required before signing of plats and performance bond posts. Lennar is requesting that they be permitted to proceed with construction on Section 7 at their own risk. They understand the risks. The outstanding permit is the Treatment Works Permit for the sewer. That is expected to be received in four to five months which is into the summer season. Lennar does not want to lose that prime construction time with the warmer weather. C.O.'s will not be issued until the Treatment Works Approval is obtained. Mr. Bruno added that Lennar is prepared to post all inspection fees, post all bonds and proceed at their own risk. If the outside approvals did not come in, they would not be able to obtain any C.O.'s for those homes. This approval will be issued; It is just a matter of time.

Mr. Mignone approached and was sworn in by Mr. Haines. Mr. Mignone spoke that Lennar is looking to develop the right-of-way in order to begin homes in line with when the TWA permit is expected to come in. Construction of the homes would be hinged upon the final permit coming in. Mr. Taylor, Board Landscape Engineer asked if this could be tied into the building permits of the homes. Mr. Mignone said that couldn't happen because the homes are pre-sold. Mr. Bruno said they would put something in the contract for these homes affected to let the purchasers know that a C.O. is conditional upon a permit.

Mayor Lachawiec asked if the firebreak from the Pinelands had any impact on Greenbriar. Mr. Murphy stated not that he is aware of. The buffer is substantial.

Mr. Murphy reviewed Mr. Taylor's Landscape review letter. Item #2 is in regards to clearing – where will be no additional clearing. Item #6 – agrees to replace Carolina Silverbell. Item #10 – add qualifier to the end of the note that reads “*to the maximum extent possible*”. Item #12 – Retaining walls – there are two on the site. They vary in height. Mr. Taylor asked that Lennar agree to add more muted colors to the wall. Lennar agreed to do that. Lennar agreed to provide a detail footing for the fencing. Mr. Taylor requested that the fencing be moved further back off the wall. Lennar agreed to do that where they can. There are some areas that are very close to the property line. Mr. Taylor suggested there are new engineering footings for fences near retaining walls that could be used by review by the Board Engineer. Mr. Murphy agreed. Terracing of the walls cannot be done. Visually the residents will not see the walls, unless you are in the woods. Walls are at lots 224-226 and the second wall is near that at 230-233 on the southeast end.

Mr. Knowles inquired about the trees and reforestation. Mr. Murphy explained that the surveyors flag the clearing limits that are depicted on the plans. The contractor then goes out and clears to those limits. Then, as per the landscape plan, there is the installation of additional plantings, street trees, etc. all of which are inspected by the Township professionals.

Mr. McVicar spoke regarding the outside agency approval waiver. Mr. McVicar did not see a problem because it is being tied into the construction of the homes. Mr. McVicar had no objection. Mr. Bruno added the only outside agency approval is the TWA.

Mr. Avellino made a motion to open to the public. Mr. Sneddon seconded the motion. All in favor: (aye).

PUBLIC COMMENT OPEN

Mrs. Gunther of Pancoast Road approached. Mrs. Gunther asked why she received a notice. Mr. Bruno and Mr. Murphy explained to Mrs. Gunther about the 200' list.

Mr. Avellino made a motion to close to the public. Mr. Sneddon seconded the motion. All in favor: (aye).

PUBLIC COMMENT CLOSED

Chairman Anepete asked for action on this application. Mr. Knowles made a motion to approve the application. Mr. Avellino seconded the motion. All in favor: (aye) Knowles, Avellino, Lachawiec, Sneddon, Tredy, VonSchmidt, James, Anepete.

Mr. Knowles inquired as to the meeting between Mr. Mignone and Ms. Casey of 90 Pancoast. Mr. Mignone said this meeting has not yet taken place because of the snow on the ground. He would keep the board informed of the outcome of this meeting.

Mr. Tredy made a motion to open to the public. Mr. Avellino seconded the motion. All in favor: (aye).

PUBLIC COMMENT OPEN

Seeing None.

Mr. Tredy made a motion to close to the public. Mr. Avellino seconded the motion. All in favor: (aye).

PUBLIC COMMENT CLOSED

A motion was made by Mr. Sneddon and seconded by Mr. Avellino to move into closed session. All in favor: (aye) Sneddon, Avellino, Knowles, Lachawiec, Tredy, VonSchmidt, James, Anepete.

Secretary read Resolution 11-10 into the record moving the board into closed session to discuss matters of pending or anticipated litigation.

CLOSED SESSION

No action was taken during closed session. The board then moved out of closed session.

Mr. Avellino made a motion to adjourn the meeting.

Mr. Sneddon asked about the size of the plans and is it a requirement to receive full-size plans, or could the board deal with smaller versions of the plans such as 11x17 paper. Deputy Mayor Tredy believes the Township ordinance requires full-size plans. They are not practical at the meeting. Mr. McVicar added that in Bricktown, they have full-size sets sent for the professionals, but all the board members receive 11x17. Mr. McVicar said he would check into the ordinance for the next meeting and make that his discussion topic.

Mr. Knowles seconded the motion to adjourn. All in favor: (aye).

Meeting was adjourned at 9:08 P.M.

Respectfully submitted,

Beth O'Connor, Secretary